

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington DC 20554

ORIGINAL  
FILE

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MAR 21 1991

In the **FCC MAIL SECTION**

RM-7649 a petition regarding ) RM-7649 RM-7649  
responsibility for ) RM-7649 RM-7649  
retransmission of communi- ) RM-7649 RM-7649  
cations in the Amateur Service.) RM-7649 RM-7649

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

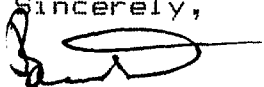
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I am an Extra Class Amateur Radio operator, K0BJ, licensed and active from 1967. I operate a VHF packet radio station and have been active in 3rd party traffic for over 20 years.

I do not have access to the petition in question, but have some knowledge of it through a summary published in the March 15 WSYI Report. I remember the days when I regularly handled 3rd party traffic on HF cw, then came the rising popularity of VHF repeaters. It always seemed odd to me that according to FCC rules relayers of traffic were held equally liable for the propriety of that traffic as the originators. When packet radio came along, it was clear that technology had outpaced the science of rulewriting. However, the packet community at large was definitely under the impression that FCC was pursuing a policy of nonenforcement of relay station culpability in the realm of automatic control via packet. That view, however arrived at, came to an end recently with the enforcement actions taken as a result of the now infamous "900 number" packet message.

I feel there are two good arguments for adoption of rules similar to those asked for in the present petition. First, it seems to me intuitively obvious that the burden of responsibility for communication lies with the party which introduces the communication. Relay points, whether they be cw NTS members, a VHF repeater, or a digipeater, are merely channels used to conduct the original communication from source to destination. Second, in cases of non-human relay such as repeaters and packet radio, the relay process is technically feasible without human intervention, and is carried out nearly instantaneously. Clearly, in order for technology to be advanced as fully as possible, we must hold the relay point faultless for the CONTENT of communication not originating with their operation. What better time to determine the propriety of communication than at its introduction into the communications chain?

Repeater trustees and packet radio node operators have a responsibility to insure technically clean retransmissions and to provide safeguards against occupying spectrum with failed systems providing no relay of intelligence. The liability concerning the legality, suitability and propriety of that intelligence should fall on the person who introduces the communication into the relay system. I ask that you adopt RM-7649 or any other similar petition calling for repeal of rules holding liability for message content with relayers of such messages. Sincerely,

  
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